

REMARKS

The present application relates to inbred maize plant and seed PH6ME. This amendment accompanies a Request for Continued Examination (RCE). Claims 1-15 and 17-30 are pending in the present application. Claims 1-15, 17, 18, 23-27 and 30 are allowed. Claims 19-22 and 28-29 have been canceled. Claims 31-35 have been added. No new matter has been added by way of amendment. Applicants respectfully request consideration of the claims in view of the following remarks.

Detailed Action

Applicants acknowledge that the rejection of claim 16 under 35 U.S.C. § 112, first paragraph has been obviated.

Applicants further acknowledge that the rejection of claim 16 under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. § 103 is obviated.

Applicants further acknowledge that the rejection of claims 1-30 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 6,759,578 has been withdrawn.

Claim Objections

Claims 19-22 are rejected under 37 C.F.R. § 1.75(c), as being improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner states that "[t]he claimed plants do not have all the characteristics of the plant of claim 11; thus, the claims do not properly depend from the parent claim."

Applicants respectfully traverse this objection. However, in an effort to expedite prosecution, Applicants have canceled claims 19-22 and added new claims 31-33. Claim 31 is an independent process claim directed to a process of producing a conversion of maize inbred variety PH6ME comprising at least one new trait. Dependent claims 32 and 33 are directed towards converted plants produced by the process of claim 31. Therefore, Applicants respectfully request this objection be alleviated.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 28-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. *See* Office Action, pp. 2-3.

The Examiner states that claims 28 and 29 are indefinite because "[t]he method step 'employing the maize plant' in claim 28 does not recite clearly defined positive method steps. The improper Markush group 'using one or more plant breeding techniques selecting from the group consisting of . . .' renders claim 29 indefinite, since it is unclear how many techniques would be used and in what combinations." *See* Office Action, p. 4.

Applicants respectfully traverse this rejection. Although not acceding to the Examiner's rejection, in an effort to expedite prosecution, Applicants have canceled claims 28-29 and added claims 31 and 34. Claim 31 is an independent process claim directed to a process of producing a conversion of maize inbred variety PH6ME comprising at least one new trait. Claim 34 is an independent method claim, directed towards developing a maize plant in a maize plant breeding program comprising introducing a transgene conferring a trait into the plant, wherein a representative sample of seed of variety PH6ME has been deposited under ATCC Accession No. PTA-4529

In light of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

Summary

Applicants acknowledge that claims 1-15, 17-18, 23-27 and 30 are allowed.

Conclusion

In conclusion, Applicants submit in light of the above amendments and remarks, the claims as amended are in a condition for allowance, and reconsideration is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

This amendment accompanies the filing of a Request for Continued Examination (RCE). Please charge Deposit Account No. 26-0084 the amount of \$810.00 for the RCE per the attached transmittal.

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for one month from December 24, 2007 to January 24, 2008. Applicant is a large entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$120.00 to cover the cost of the one month extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

No other or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any fees inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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